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General Assembly

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Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council

Draft report submitted by the Chairperson

I. Introduction

1. By its resolution 48/26, the General Assembly decided to establish an open-ended working group to consider all aspects of the question of increase in the membership of the Security Council and other matters related to the Council.

2. The Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council began its deliberations in January 1994. The Working Group submitted progress reports to the General Assembly at its forty-eighth to sixty-second sessions. At those sessions, the Assembly extended the mandate of the Working Group.

3. On 23 November 1998, the General Assembly adopted resolution 53/30 in connection with the agenda item of the Working Group entitled "Majority required for taking decisions on Security Council reform".

4. In the United Nations Millennium Declaration, Heads of State and Government resolved, with respect to the ongoing deliberations on Security Council reform, to intensify their efforts to achieve comprehensive reform of the Council in all its aspects (see General Assembly resolution 55/2, para. 30).

5. In the 2005 World Summit Outcome of 16 September 2005, Heads of State and Government expressed support for early reform of the Security Council and recommended that the Council continue to adapt its working methods (see General Assembly resolution 60/1, paras. 153 and 154).

6. Following the deliberations of the Working Group, the General Assembly, by its decision 62/557, decided that the intergovernmental negotiations on Security Council reform should commence in informal plenary of the General Assembly during its sixty-third session and that the Working Group should continue its work and should submit a report to the Assembly before the end of its sixty-third session. The present report is submitted pursuant to decision 62/557.

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II. Proceedings of the Working Group during the sixty-third session of the General Assembly

A. Organizational matters

7. The President of the General Assembly, Miguel d'Escoto Brockmann, served as Chairperson of the Working Group.

8. On 11 November 2008, the Chairperson appointed Ambassador Zahir Tanin (Afghanistan) as Vice-Chairperson of the Working Group.

B. Meetings, informal meetings and consultations of the Working Group

9. At the 1st meeting of the Working Group, on 11 November 2008, the Chairperson recalled decision 62/557. At the same meeting, the Chairperson announced the appointment of Ambassador Zahir Tanin as Vice-Chairperson of the Working Group.

10. At its 2nd meeting, on 17 November 2008, the Working Group continued to address the framework and modalities in order to prepare and facilitate the intergovernmental negotiations.

11. In a letter dated 24 November 2008, the Chairperson outlined the workplan of the Working Group, strictly based on decision 62/557.

12. At its 3rd and 4th meetings, on 5 December 2008, the Working Group addressed the framework in order to prepare and facilitate intergovernmental negotiations.

13. At its 5th meeting, on 19 January 2009, the Working Group addressed the modalities in order to prepare and facilitate intergovernmental negotiations.

14. At its 6th meeting, on 26 January 2009, the Working Group discussed the results of the consultations, subsequently presented to an informal plenary of the General Assembly by the Chairperson on 29 January 2009, in strict compliance with paragraph (c) of decision 62/557. In his presentation to the informal plenary, the Chairperson announced that, while the Working Group had also heard oral proposals, the written proposals presented during the consultations would be annexed to the present report (see annex).

15. At its 7th meeting, on [....] September 2009, the Working Group considered its draft report to the General Assembly (A/AC.247/2009/L.1), submitted by the Chairperson.

C. Adoption of the report of the Working Group

16. At its [....] meeting, on [....] September 2009, the Working Group considered and adopted the present report.

III. Recommendations

17. The Open-ended Working Group decided to recommend that consideration of the item be continued at the sixty-fourth session of the General Assembly. The Working Group recommends to the Assembly the adoption of the following draft decision:

> The General Assembly, recalling its previous resolutions and decisions relevant to the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Council, in particular its decision 62/557 of 15 September 2008, having considered the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council, which was established pursuant to its resolution 48/26 of 3 December 1993, on its deliberations during the sixty-third session of the General Assembly,[1] bearing in mind the United Nations Millennium Declaration of 8 September 2000, adopted by Heads of State and Government,[2] in which they resolved, in respect of reform of the Security Council, to intensify their efforts to achieve a comprehensive reform of the Security Council in all its aspects, and recalling the 2005 World Summit Outcome of 16 September 2005,[3] in which Heads of State and Government expressed support for early reform of the Council and recommended that the Council continue to adapt its working methods,
>
> (a) Takes note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council on its work during the sixty-third session of the General Assembly;[1]
>
> (b) Notes with appreciation the Chairperson's initiative to stimulate an active discussion relating to the comprehensive reform of the Security Council by the Working Group, as well as the work done by the Vice-Chairperson;
>
> (c) Decides to convene the Working Group during the sixty-fourth session of the General Assembly;
>
> (d) Decides to include in the agenda of the sixty-fourth session of the General Assembly an item entitled "Question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council".

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[1] To be issued as *Official Records of the General Assembly, Sixty-third Session, Supplement No. 47* (A/63/47).

[2] See resolution 55/2.

[3] See resolution 60/1.

Annex

Meetings of the Working Group: schedule proposal*

In order to attain the goal established by all Member States in decision 62/557 and to achieve a concrete agreement on parameters for the intergovernmental negotiations, the following schedule of meetings within the Working Group could be discussed as a road map towards the launching of intergovernmental negotiations in February 2009.

1. Discussion on procedures and principles (five meetings):

- Two meetings in November 2008:
  - Objectives of the reform
  - Guiding principles for negotiations
- One meeting in December 2008:
  - Terms of negotiations I (rules of negotiations, nature of discussions)
- Two meetings in January 2009:
  - Terms of negotiations II (agenda for negotiations, nature of the agreement)
  - Wrap-up session (preparation of results meeting)

2. Discussion and adjustment of the report of the President of the General Assembly on the results of Working Group consultations (one or two meetings, before 1 February 2009)

- Adoption of the report

3. Launching of intergovernmental negotiations (between 1 and 28 February 2009).

* Document presented by Mexico and the Republic of Korea at the 1st meeting of the Working Group, on 11 November 2008.

Security Council reform process: procedures and principles*

Pursuant to General Assembly decision 62/557, the Open-ended Working Group has been mandated to address the framework and modalities in order to prepare and facilitate the intergovernmental negotiations.

This preparatory phase is crucial for launching successful negotiations that will finally advance Security Council reform, as part of the wider United Nations reform process, aimed at achieving a strengthened and more effective United Nations.

With a view to the above and based on the consultations to be held in the Working Group, we expect the Working Group to evolve a framework which lays down the objectives, guiding principles and terms under which the intergovernmental negotiations will be conducted in the informal plenary of the General Assembly. The Chairperson of the Working Group will present the results of these consultations to an informal plenary meeting of the General Assembly, no later than 1 February 2009, for endorsement before commencement of intergovernmental negotiations not later than 28 February 2009.

Objectives and guiding principles

The objective is a comprehensive reform of the Security Council in all its aspects that results in a more democratic, inclusive, equitably representative, transparent, effective and accountable Council.

The objective of decision 62/557 is to achieve a negotiated solution for Security Council reform.

The guiding principles include, inter alia:

- Respect for the sovereign equality of Member States
- Ensuring equitable geographical distribution
- Strengthening the democratic underpinnings of the Council to enhance its accountability to the membership
- Strengthening the ownership in the reform through the accommodation of interests of all Member States and regional and other groupings, particularly those which have been traditionally underrepresented
- Increasing opportunity for Member States to serve on the Security Council, particularly for groups which have been traditionally underrepresented, such as small and medium States, and Africa

Terms of negotiations

In order to ensure the legitimacy and success of this reform in the long term, the terms of the intergovernmental negotiation process should be based inter alia on the following:

* Working paper presented by Argentina and Spain at the 3rd meeting of the Working Group, on 5 December 2008.

- An open, inclusive and transparent process guided by objectivity and impartiality in full trust of the entire membership
- Clear rules and procedures to guarantee a fair and level playing field for all
- All discussions are open to all Member States
- Rules based on the general practice in the informal plenary of the General Assembly:
  - (i) No record of the meetings
  - (ii) No formal decision is taken
  - (iii) No vote will be applicable
- Setting of the agenda for the negotiations, in particular sequencing
- All aspects of Security Council reform are open for negotiations
- The principle that "nothing is agreed until everything is agreed"
- No artificial deadlines
- The commitment of good faith and mutual respect by all sides, who shall refrain from: (i) unilateral or pre-emptive moves including tabling of draft resolutions; and (ii) calls for vote, at any stage of the negotiations process
- The negotiated solution has to elicit the widest possible political acceptance by Member States, well above the two-thirds majority
- Mechanism for formalizing any conclusions, results or the status of the negotiations, in order to ensure continuity of the process. Utilize in this context, the relationship and interaction between the processes in the Open-ended Working Group and the informal plenary of the General Assembly, taking into account the provisions of decision 62/557

Security Council reform negotiations: elements for a decision by the General Assembly on framework and modalities*

Pursuant to General Assembly decision 62/557, the following are suggested elements for a draft General Assembly decision on the guiding principles and terms under which intergovernmental negotiations on Security Council reform will be conducted.

I. Preamble

(i) Recalling its previous resolutions and decisions relevant to the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council,

(ii) Mindful of Chapter XVIII of the Charter of the United Nations and of the importance of reaching general agreement as referred to in its resolutions 48/26 of 3 December 1993 and 53/30 of 1 December 1998 and its decision 61/561 of 17 September 2007, as well as the ratification of any amendment to the Charter as stipulated in Article 108,

(iii) Recalling decision 62/557 of 15 September 2008, by which it mandated the Open-ended Working Group to address [no later than 1 February 2009], the framework and modalities in order to prepare and facilitate intergovernmental negotiations which are to commence in informal plenary of the General Assembly [not later than 28 February 2009],

II. Operative

Decides that intergovernmental negotiations to be conducted in informal plenary of the General Assembly will be governed by the following principles and procedures:

(a) Respect for the sovereign equality of Member States;

(b) Ensuring equitable geographical representation;

(c) The objective of making the Council more democratic and equitably representative, to enhance its transparency, efficiency and effectiveness and accountability to the membership;

(d) Ensuring full ownership of the reform through full accommodation of the interests of all Member States and regions, particularly those which have been historically underrepresented;

(e) The objective of achieving a negotiated solution that can garner the widest possible political acceptance by Member States, well above the required two-thirds majority;

(f) The process shall be open, inclusive and transparent, guided by objectivity and impartiality and held in good faith and mutual respect. All discussions shall be open to all Member States;

* Working paper introduced by Canada and Malta at the 5th meeting of the Working Group, on 19 January 2009.

(g) The negotiations shall be comprehensive, covering and open to all issues and aspects of Security Council reform including inter alia increase in membership and improvement of working methods;

(h) The negotiations shall be based on an agreed agenda;

(i) The principle of "Single Undertaking" shall apply: every item of the negotiation is part of a whole and indivisible package and cannot be agreed separately ("nothing is agreed until everything is agreed");

(j) The negotiations shall be conducted in accordance with the general practice of informal plenary of the General Assembly.